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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 18 JUN 2004



Applicant's or agent's file reference 1680-11 PCT CVP	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/03045	International filing date (day/month/year) 14.03.2002	Priority date (day/month/year) 14.03.2002
International Patent Classification (IPC) or both national classification and IPC E04B1/84		
Applicant WIENERBERGER BRICKS N.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 14 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 29.08.2003	Date of completion of this report 17.06.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Rosborough, J Telephone No. +49 89 2399-2818 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/03045**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-11 received on 13.02.2004 with letter of 13.02.2004

Claims, Numbers

1-10 received on 13.02.2004 with letter of 13.02.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 11
☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item I

Basis of the report

1. Added Subject-Matter.

1.1 The amendments filed with the letter dated 13.02.2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

The amendments concern the introduction in claim 1, lines 22-23 and in claims 4,5,6 and 7 of the following expression for which no basis can be established in the content of the application as filed:

"... first (3.1.a - 3.9.a) and/or second ...".

In explanation, no unambiguous basis can be found for the following possible interpretations of said expression:

(i) that part of the first and second cavities conform to the feature(s) subsequently recited in the said claims, and

(ii) that part of the first cavities only or part of the second cavities only conform to the feature(s) subsequently recited.

1.2 As a consequence of the aforementioned contravention of Article 34(2)(b) PCT, this report has been established, according to Rule 70.2(c) PCT, as if the aforesaid expression had not been added.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: DE 198 23 139 A

D2: US-A-2 281 121

D3: WO-A-02/22961.

5.1 Independent Claim 1.

Document D1, which is considered to represent the most relevant state of the art, discloses (see particularly fig.26):

- an acoustic construction element comprising sound insulating cavities (fig.26, 8,15) having a constant shape along an axis parallel to the exposed surface of the

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construction element, at least part of said cavities being first cavities comprising a first portion, situated closest to the external surface of the element, having a smaller width than the maximum width of a second, internal portion (8) of the cavity, and at least part of the cavities being second cavities (15) having a substantially constant width over their entire depth, whereby

- at least part of said cavities are completely or partially filled with sound insulating material (17 - see col.8, lines 23-26).

The subject-matter of claim 1 differs from the disclosure of D1 in that:

A) at least part of said first cavities have different depths and at least part of said second cavities have different depths;

B) at least part of said first cavities have different internal volumes and/or different internal shapes.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as to broaden the range of frequencies which such an element can absorb.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT), as the person skilled in the art is taught by D1 to alter the number and/or dimensions of the holes (11) or slits (12), and/or to incorporate insulating material in different locations in the element, in order to alter its acoustic characteristics.

5.2 Independent Claim 8.

The method of independent claim 8 is directed to the manufacture of elements according to claim 1 and therefore the subject-matter of claim 8 also conforms to the requirements of Articles 33(2) and (3) PCT.

Furthermore, there is no indication in the prior art documents at hand for the specified correspondence of the bake curve.

5.3 Independent Claim 9.

The method of independent claim 9 is directed to the manufacture of elements according to claim 1 and therefore the subject-matter of claim 9 also conforms to the requirements of Articles 33(2) and (3) PCT.

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5.4 Independent Claim 10.

The method of independent claim 10 is directed to the use of elements according to claim 1 and therefore the subject-matter of claim 9 also conforms to the requirements of Articles 33(2) and (3) PCT.

5.5 Dependent Claims 2-7.

Claims 2-7 are dependent on claim 1, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Amended claims in response the written opinion
of 15.10.2003

1. Acoustic construction element comprising sound
5 insulating cavities (3) having a constant shape
along an axis parallel to the exposed surface of the
construction element (1), at least part of said
cavities (3) being first cavities (3.1.a - 3.9.a)
comprising a first portion, situated closest to the
10 external surface of the element (1), having a
smaller width than the maximum width of a second,
internal portion of the cavity (3.1.a - 3.9.a), and
at least part of said cavities (3) being second
cavities having a substantially constant width over
15 their entire depth, characterised in that
at least part of said first cavities (3.1.a - 3.9.a)
and at least part of said second cavities have
different depths;
at least part of said first cavities (3.1.a - 3.9.a)
20 have different internal volumes and/or different
internal shapes;
at least part of said first (3.1.a - 3.9.a) and/or
second cavities are completely or partially filled
with sound insulating material.
25
2. Acoustic construction element according to claim 1,
characterised in that at least part of the first
cavities (3.1.a - 3.9.a) have an angular shape.
- 30 3. Acoustic construction element according to claim 1,
characterised in that at least part of the first

cavities (3.1.a - 3.9.a) have a pseudo-angular shape.

- 5 4. Acoustic construction element according to any one of claims 1 to 3, characterised in that at least 90% of said first (3.1.a - 3.9.a) and/or second cavities are completely filled with sound insulating material.
- 10 5. Acoustic construction element according to any one of claims 1 to 3, characterised in that at least 90% of said first (3.1.a - 3.9.a.) and/or second cavities are partially filled with sound insulating material.
- 15 6. Acoustic construction element according to any one of claims 1 to 5, characterised in that said said first (3.1.a - 3.9.a.) and/or second cavities are completely or partially filled with a foamed mineral product.
- 20 7. Acoustic construction element according to any one of claims 1 to 5, characterised in that said said first (3.1.a - 3.9.a.) and/or second cavities are completely or partially filled with foamed clay, glass or perlite.
- 25 8. Method for manufacturing acoustic construction elements according to any one of claims 1 to 7, characterised in that said elements (1) are manufactured in one step process, whereas the sound
- 30

isolating material has a bake curve corresponding to the material from which the acoustic construction elements are made.

- 5 9. Method for manufacturing acoustic construction elements according to any one of claims 1 to 7, characterised in that said elements (1) are manufactured in a two step process, whereas the sound isolating material is introduced in the
- 10 cavities in a second process step.
10. Use of an acoustic construction element according to any one of claims 1 to 8, characterised in that said construction element (1) is used as a traffic load
- 15 carrying construction element.

Amended description in response the written
opinion of 15.10.2003

ACOUSTIC CONSTRUCTION ELEMENT

5

The present invention relates to an acoustic construction element comprising sound insulating cavities.

10 Numerous variants of this type of acoustic construction elements have been proposed in the art in order to provide a more or less satisfactory balance of the acoustic properties and the cost of production. Many of these attempts are disclosed in the patent literature.

15

In European patent application n° EP 0 580 096, for example, there is described a sound-insulation element having a wall exhibiting perforations, and having a cavity which receives a sound-absorbing packing, which
20 covers the mouths of the perforations.

The acoustic bricks usually consist of ceramic material.

In French patent application n° FR 2612225, there is revealed an acoustic lining element, made of burnt clay, ceramic materials, cement, wood, plaster or the like.
25 This acoustic lining element comprises a plane rectangular face intended to be attached to a wall. The opposite face to this one comprises a network of ribs forming corrugations parallel to one of the sides.

30

Japanese patent application n° JP 09328833 describes a sound-absorbing block, obtained by baking fire clay, into which a pore imparting material is mixed, and fire-resisting chamotte. In the ceramic block, there are bored
5 holes of different depth, drilled all over at right angles to the thickness direction. The ceramic block is reported to have sound absorbing performance in a frequency band having broad width.

10 In German patent application DE 198 23 139, there is described an acoustic element comprising sound insulating cavities having a constant shape along an axis parallel to the exposed surface of the construction element, at least part of said cavities are first cavities comprising
15 a first portion, situated closest to the external surface of the element, having a smaller width than the maximum width of a second, internal portion of the cavity. Furthermore, in one or more of the embodiments, for instance as shown in figure 26 of DE 198 23 139, at least
20 part of said cavities are second cavities which have a substantially constant width over their entire depth, and are partially filled with damping strips out of gummy or a synthetic material.

25 However, all first cavities have the same depth, and also all second cavities have the same depth. Only in all of the second cavities, the same damping strip is provided. In this way, only a limited area of sound frequencies can be absorbed by such an acoustic construction element.

30

German patent application DE 33 22 189, French patent publication FR 2 746 831 and US patent application US 2,281,121 describe construction elements comprising cavities with different shapes and sizes.

5

DE 197 41 282 discloses acoustic construction elements showing several subsequent layers of zones of different structure and/or nature, whereas part of said zones consist of ceramic foam.

10

In US 2,281,121, a load bearing acoustic building block is described which is formed of plastic material having all of the properties of the vitrified building block as to strength, appearance and density, and provided with sound absorbing properties, whereby the block may be used to construct the interior of walls and partitions of auditoriums by being laid in mortar or cement in the usual manner, and when so laid will absorb and diffuse audible sound waves striking said wall or partition to prevent reflection of the same to such an extent that undesirable echoes may be eliminated within the room of building formed of said blocks without the application of independent sound absorbing material. In one of the embodiments of such an acoustic building block, the cavities are filled with a quantity of particles of material, such as sawdust or expanded mica flakes, to form sound absorbing filter.

Each of the individual solutions thus proposed in the art to improve the properties of acoustic construction

elements have shown to be satisfactory to a very limited extend.

Combining those various solutions would of course appear as a further way forward but it has shown that several of
5 the proposed solutions are mutually excluding or give rise to practical technical problems.

The purpose of this invention is to combine, in a very specific way, some of the proposed features with other added features so as to provide an acoustic construction
10 element having optimal properties.

The invention thus provides a sound insulating construction element that can absorb a broad range of sound frequencies and that can be manufactured depending
15 on the type or the frequency of noise pressure.

For instance, the frequency of the disturbing noise that results from a truck that drives on a highway differs from the noise that has to be absorbed when one records a song in a music studio.

20

This object of the invention is achieved by providing an acoustic construction element comprising sound insulating cavities having a constant shape along an axis parallel to the exposed surface of the construction element, at
25 least part of said cavities being first cavities comprising a first portion, situated closest to the external surface of the element, having a smaller width than the maximum width of a second, internal portion of the cavity, and at least part of said cavities (3) being
30 second cavities having a substantially constant width over their entire depth, wherein

- at least part of said first cavities and at least part of said second cavities have different depths;
- at least part of said first cavities have different internal volumes and/or different internal shapes;
- 5 - at least part of said first and/or second cavities are completely or partially filled with sound insulating material.

10 According to a first preferred feature of the invention, at least part of the first cavities have an angular shape.

The intention of this is to provide a volume as large as possible after the entry.

15

According to a further preferred feature of the invention, at least part of the first cavities have a pseudo-rectangular shape. So, there is more reflection of the sound inside the cavity.

20

Pseudo-rectangular means that the cavities have at least one acute angle.

25 In a first embodiment, at least 90 % of said first and/or second cavities are completely filled with sound insulating material.

30 In a second embodiment according to the invention, at least 90 % of said first and/or second cavities are partially filled with sound insulating material.

In a preferred embodiment of the invention, said first and/or second cavities are completely or partially filled with foamed mineral product.

- 5 Depending on the circumstances when the cavities of an acoustic element are completely or partially filled with such material, the absorption of the sound is much better.
- 10 In another preferred embodiment according to the invention, said first and/or second cavities are completely or partially filled with foamed clay, glass and pearlite.
- 15 In a first method for manufacturing acoustic construction elements according to the invention, the elements are manufactured in one step process.
- Such method is used where the sound isolating material
- 20 has a bake curve corresponding to the material from which the acoustic construction elements are made.
- A second method for manufacturing acoustic construction elements is to manufacture the elements in a two process
- 25 step.
- In a two process step, the sound isolating material, for example : polystyrene foam (such as isomo), glass wool,... is introduced in the cavities in a second process step.
- 30 This method is of course also applicable for material

which has a bake curve corresponding to the material from which the acoustic construction elements are made.

5 Preferably, said construction element is made of ceramic material. In this way, ceramic construction elements can be used as regular building bricks. The construction element according to the invention can also be used as a traffic load carrying construction element.

10 The method for manufacturing acoustic construction elements is preferably by way of extrusion of the ceramic materials.

15 Further distinctive features and characteristics will be clarified in the following description of a specific embodiment of the invention as represented in the attached drawings. It should be noted that this embodiment is only given by way of example and implies no restriction in the general scope of the invention as that
20 appears from the above description and from the claims at the end of this text.

In the attached drawings:

- 25 - figure 1 is a cross section of an acoustic construction element;
- figure 2 is a cross section of an acoustic construction element of which the cavities have an angular shape;
- figure 3 is a cross section of an acoustic construction element of which the cavities have an angular or
30 pseudo-rectangular shape.

As shown in figure 1, the acoustic construction element is an acoustic brick (1) with a length of 324 cm., a height of 5 cm. and a width of 10 cm. The brick is manufactured by extrusion of ceramic material, more specific red-baking clay. The acoustic brick has a smooth surface. By using other clays or by addition of aggregates to the base material, the brick can obtain a different colour or even a sandy structure. The surface can also be rough. In function of the composition, characteristics as the absorption of water, the intensity of the pressure, etc can differ.

As shown in figures 1, 2 and 3, the acoustic brick (1) comprises at irregular distances, separate entries (2) of cavities (3), the cavities in general are designated by reference numerals 3. etc., which:

- have different depths, this difference is shown in figure 1, where one notices that cavity (3.11.a) is deeper than cavity (3.10.a);
- have different internal volumes and/or different shapes, there are cavities which have an angular shape (3.1.a, 3.2.a, 3.3.a, 3.4.a, 3.7.a) and cavities with an pseudo-rectangular shape (3.5.b, 3.6.b, 3.8.b, 3.9.b).

The purpose behind this is to obtain a volume as large as possible after the entry of the cavity (3);

- have a substantially constant width over their entire depth;

are completely or partially filled with sound insulating material, according to the figures 1, 2 and 3, all the cavities in figure 1 are completely filled, in figure 2 and 3, are 3.1a, 3.2a, 3.3a 3.5b, 3.6b, 3.7a and 3.8b partially filled. The other cavities 3.4a and 3.9b are completely filled.

A possible sound insulating material is ceramic foam. Ceramic foam is a very porous material with a very low coefficient of heat conduction.

The brick has thus a two-fold function: for one, the ceramic mass takes care for the absorption of the sound - the ceramic mass is the combination of the brick and the sound absorbing material -, And for another, the cavities, partially or completely filled with sound insulating material, are dimensioned in such a way that through the way of internal reflection, the sound doesn't get the chance to be reflected into free space.

In this way, the depth, the shape and the internal volume of the cavities (3) and their position on the stone can be adapted in function of certain types of frequencies and/or the level of the sound that has to be adsorbed.

An other object of the invention is the method of manufacturing an acoustic construction element comprising sound insulating cavities.

A first method is to manufacture a brick in one process step. Hereby, the brick is extruded of ceramic material and is provided with a cavity (3).

After the drying of the formed stone, the sound insulting material is introduced through the entry (2) of the cavity (3). This combination (brick+sound insulating material) is brought into a heating device where during one process step baking as well as expansion of the sound insulating material happened.

Use of this method is only possible if the sound insulating material has a bake curve corresponding to the material from which the acoustic construction elements are made.

Another method for manufacturing a construction element according to the invention is to fabricate a brick in a two process step.

Hereby, the sound insulating materials, for example glass wool, foamed plastic (such as isomo),... are introduced in a second process step, after the drying and baking of the brick.

The acoustic construction element according to the invention can be used in every place where noise or noise pollution is an item, for instance in:

- laboratory
- hospitals
- industry
 - as an inside or outside wall of factories, offices,...
 - around compressors, motors, machines and computer rooms
- concert halls, theatres, disco's, exposition halls, cinema rooms, hotel and catering industry,...

- along motorways, highways, train sections, stations, airports,...
- as a partition wall in apartment buildings and office buildings: around elevator shafts, engine rooms,...
- 5 municipal buildings: libraries, sport halls, cultural centres,
- school and universities
- agriculture and cattle breeding: pig farms, chicken coops,...

10

In certain applications, the cavities can also serve as a carrier of technical pipes for, for instance, electricity, computers, telephone, sanitary, heating, ...

- 15 The bricks or the panels can be mounted either horizontally, either vertically, or in a combination of the two, can be glued together or laid in bricks, or can function as a carrying or non-carrying part. For example, the bricks can be used as road blocks on which traffic
- 20 can circulate. The disturbing frequencies that arise when car types roll over the road surface can be absorbed by using the acoustic bricks as horizontal carrying driving surfaces. The cavities that are present in the bricks could also function for draining the excess of water when
- 25 it's raining.

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